

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHEM, INC.

Plaintiff,

- against -

EXPRESS SCRIPTS, INC.

Defendant.

**[PROPOSED] REVISED CIVIL CASE
DISCOVERY PLAN AND
SCHEDULING ORDER**

Civil Action No. 16 Civ. 2048 (ER)

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This Revised Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case is to be tried to a jury.
3. Except for good cause shown, joinder of additional parties is no longer permitted.
4. Discovery shall proceed as follows:
 - a. Interrogatories and Requests to Admit shall be served no later than 30 days prior to the close of fact discovery, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 and Federal Rule of Civil Procedure 33(a)(1) shall not apply to this case; however, each party shall be limited to issuing no more than 35 interrogatories (not counting subparts) provided, however, that nothing herein shall limit a party's ability to move to allow additional interrogatories.
 - b. Requests for production of documents, if any, shall be served no later than 30 days prior to the close of fact discovery.

- c. The parties will substantially complete their production of pricing-related documents in response to document requests served before May 25, 2017 by July 28, 2017.
 - d. The parties will substantially complete production of operations-related documents in response to document requests served before June 15, 2017 by October 27, 2017.
 - e. The parties will exchange privilege logs for their pricing-related production by August 31, 2017, and for their operations-related production by November 21, 2017, understanding that the exchange of logs may be followed within seven (7) days by a limited, supplemental production of documents and/or redacted documents that roll off the parties' respective privilege logs. The parties shall promptly supplement privilege logs as and if necessary arising from subsequent document productions.
 - f. The parties will substantially complete production of all documents in response to document requests served before September 21, 2017 by October 27, 2017.
 - g. The parties will complete fact depositions no later than December 20, 2019.
 - i. The parties contemplate that the normal limits on the amount and duration of depositions will have to be modified. The parties will endeavor—prior to the initiation of deposition discovery—to reach agreement on the number of depositions appropriate for each side (given the factual issues in the case), and the number of hours for such depositions.
 - h. Fact discovery shall be completed by December 20, 2019.
 - i. Expert reports shall be served no later than May 22, 2020.
 - j. Rebuttal expert reports shall be served no later than October 16, 2020.
 - k. Expert depositions shall be completed by June 15, 2021.
 - l. **ALL DISCOVERY SHALL BE COMPLETED BY June 15, 2021.**
5. Summary judgment motions shall be filed as follows:
- a. Opening briefs by any party seeking summary judgment shall be served and filed no later than July 30, 2021.

- b. Opposition briefs shall be served and filed no later than September 10, 2021.
 - c. Reply briefs shall be served and filed no later than October 15, 2021.
- 6. Any motions shall be filed in accordance with the Court's Individual Practices.
 - 7. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
 - 8. The Magistrate Judge assigned to this case is the Hon. Debra Freeman.
 - 9. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
 - 10. The next case management conference is scheduled for _____, at _____.

It is SO ORDERED.

Dated: New York, New York

Edgardo Ramos, U.S. District Judge